

January 20, 2021

John D. Esterhay
JEsterhay@perkinscoie.com
D. +1.858.720.5758
F. +1.858.720.5858

VIA CM/ECF

Honorable Mark W. Pedersen
Western District of New York
Kenneth B. Keating Federal Building
100 State Street, Room 2330
Rochester, New York 14614

Re: ***ValveTech, Inc. v. Aerojet Rocketdyne, Inc.***
Case No.: 6:17-cv-06788-FPG-MWP

Dear Magistrate Judge Pedersen:

I am writing on behalf of plaintiff ValveTech, Inc. in the above-captioned litigation, in response to a letter submitted today by Aerojet Rocketdyne's counsel seeking to reschedule the January 27th status conference scheduled by the Court due to the Court-ordered deposition of Ms. Janet Putz (Dkt. No. 139) now scheduled by Aerojet to occur during that time.

Mr. Eisenberg wrote that "ValveTech indicated that it would not object to Aerojet Rocketdyne approaching the Court to seek an alternative date for the conference." He is mistaken. During a teleconference with counsel on Tuesday, January 19, I suggested that Mr. Eisenberg reschedule the deposition of Ms. Janet Putz to an alternate date and time so that the January 27th status conference could be held at the time originally scheduled by the Court, and noted ValveTech would oppose a request to reschedule that hearing.

Fact discovery is scheduled to close on February 12th, and there are important discovery issues which we hope to resolve with the Court's assistance during the January 27th status conference which impact the upcoming depositions, including Aerojet's continued withholding of documents relevant to those depositions that Aerojet was compelled to produce by the Court in October. (Dkt. 139.) There are alternatives to rescheduling the January 27th status conference, and we object to Aerojet Rocketdyne's request to reschedule the conference without exploring these options. First, one of the four lawyers who have appeared for Aerojet Rocketdyne can defend the deposition, and another can appear at the status conference. Second, the start of the half-day deposition of Ms. Putz, who we understand is in the Pacific time zone, can be delayed until the completion of the conference. Third, fact discovery can be extended a brief amount of time for the limited purpose of taking the deposition of Ms. Putz after February 12, if necessary.

As a result, ValveTech respectfully requests the Court maintain the January 27th status conference as scheduled.

Honorable Mark W. Pedersen
January 20, 2021
Page 2

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "JDE", is positioned above the name John D. Esterhay.

John D. Esterhay

JDE:ar

cc: Counsel of record (via CM/ECF)